

Application No: 10/024,739  
Attorney's Docket No: NL000748

### REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 21 and 22 have been added. Claims 1, 9, 18, and 20 have been amended. Currently, claims 1-22 are pending in the present application of which claims 1, 9, and 21 are independent. No new matter has been added.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aucsmith (U.S. Patent Number 5,712,800) in view of Marino (U.S. Patent Number 6,026,165). The above rejections are respectfully traversed for at least the reasons set forth below.

#### Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-8, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aucsmith in view of Marino. This rejection is respectfully traversed because Aucsmith and Marino, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in amended claim 1 and its dependents.

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Aucsmith discloses a communication system utilizing low bandwidth requirements for transmitting an encoded value formulated using the Chinese Remainder procedure to receivers having a private key. Aucsmith further discloses that each receiver unit individually has a prime value and a private key (a device key; see Col. 3, lines 7-10, 30-48).

Marino discloses a method of configuring the receiver with an encryption key useful for decrypting encrypted data message transmissions. The method comprises the steps of randomly generating at the transmitting device a new encryption key and storing it in memory, transmitting to the receiver a data message comprised of the new encryption key and a device identification code unique to the transmitting device, receiving the data message at the receiver, and storing in a memory table the device identification code and the new encryption key (Col. 3, lines 54-66).

Claim 1, as amended, recites that "at least two of the receivers [are] associated with a set of a plurality of device keys," and that "at least some device keys are shared between... at least two of the receivers." The Official Action asserts that Aucsmith discloses all the elements of claim 1 except for transmission of a key block containing device keys associated with encrypted authorization keys. However, the Applicants submit that Aucsmith fails to teach or suggest that at least some device keys are shared between receivers, as recited in claim 1. Rather, Aucsmith discloses that each receiver unit individually has a private key (a device key; see Col. 3, lines 7-10, 30-48).

Furthermore, the Applicants submit that Marino also fails to teach or suggest that at least two receivers have a set of device keys, where at least some of these device keys are shared between at least two receivers, as recited in claim 1. Marino teaches that a receiver can have its own encryption key associated with a particular transmitter's device ID; there is no indication that encryption keys associated with a receiver are shared between receivers. Rather, Marino teaches that a particular encryption key record is associated with one particular device (Col. 10, line 64-Col. 11, line 10). Further, since each device ID transmitted by a transmitter is associated with the transmitter and not the receiver, there is no teaching in Marino that the transmitter includes a means for transmitting to all receivers a key block with a plurality of entries, where

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each entry is associated with a different device key, as recited in Claim 1. Rather, Marino's transmitter appears to only include a single Device ID in field 30 (Fig. 2; Col. 7, lines 14-50).

At least by virtue of Aucsmith's and Marino's failure to teach or suggest sharing of device keys between receivers, as recited in claim 1 as amended, the teachings of Aucsmith and Marino, taken in combination, are insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 over claim 1 as amended. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 1. Claims 2-8, 19 and 20 depend from allowable claim 1 and are also allowable over Aucsmith in view of Marino at least by virtue of their dependencies.

Claim 9, as amended, recites that "the transmitter... transmits... to all receivers a same key block with a plurality of entries, wherein each entry is associated with a different device key" and that "at least some device keys are shared between... at least two receivers." The Official Action asserts that Aucsmith discloses all the elements of claim 1 except for transmission of a key block containing device keys associated with encrypted authorization keys. However, the Applicants submit that Aucsmith fails to teach or suggest that at least some device keys are shared between receivers, as recited in claim 1. Rather, Aucsmith discloses that each receiver unit individually has a private key (a device key; see Col. 3, lines 7-10, 30-48).

Furthermore, the Applicants submit that Marino also fails to teach or suggest that at least some of device keys are shared between receivers, as recited in claim 9. Marino teaches that a receiver can have its own encryption key associated with a particular transmitter's device ID; there is no indication that encryption keys associated with a receiver are shared between receivers. Rather, Marino teaches that a particular encryption key record is associated with one particular device (Col. 10, line 64-Col. 11, line 10). Further, since each device ID transmitted by a transmitter is associated with the transmitter and not the receiver, there is no teaching in Marino that the transmitter includes a means for transmitting to all receivers a key block with a plurality of entries, where each entry is associated with a different device key, as recited in Claim 9. Rather, Marino's transmitter appears to only include a single Device ID in field 30 (Fig. 2; Col. 7, lines 14-50).

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At least by virtue of Auesmith's and Marino's failure to teach or suggest sharing of device keys between receivers, as recited in claim 9 as amended, the teachings of Auesmith and Marino, taken in combination, are insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 over claim 9 as amended. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 9. Claims 10-16 depend from allowable claim 9 and are also allowable over Auesmith in view of Marino at least by virtue of their dependencies.

Newly Added Claims

Claims 21 and 22 have been added. Claim 21 recites that "each receiver [is] associated with a set of a plurality of device keys," and that "at least some device keys are shared between receivers." As discussed above, the prior art of record fails to teach or suggest that at least some device keys are shared between at least two receivers. Therefore, claim 21 is allowable over the prior art of record. Claims 22 depends upon claim 21 and is allowable at least by virtue of its dependencies. Therefore, the Examiner is respectfully requested to allow claims 21 and 22.

Conclusion

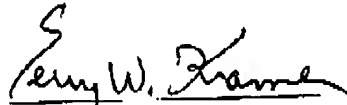
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,  
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Date: March 20, 2006